

REMARKS

Claims 1, 2, 8, 10, 13, 16-20, 24, 25, and 30-41 remain pending in this application. Claims 1, 8, 10, 13, 16, 19, 20, 24, 25, 30, 32, 36, 38, and 40 have been amended to define still more clearly what Applicant regards as the invention. Claims 3, 5-7, 9, 11, 12, 14, 15, 22, 23, and 26-29 have been cancelled without prejudice or disclaimer of the subject matter. Claims 1, 8, 10, 13, 19, 20, 24, and 25 are independent. Favorable reconsideration is respectfully requested.

Applicant notes with appreciation the indication that Claims 8, 10, and 13 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. Since Claims 8, 10, and 13 have been so rewritten, they are now believed to be in condition for allowance.

Furthermore, the subject matter of allowable Claim 13 has been incorporated into Claim 20. Accordingly, device Claim 20 corresponds to rewritten method Claim 13, and therefore Claim 20 is believed to be in condition for allowance as well.

Moreover, Claim 24 has been rewritten in independent form, and the subject matter of allowable Claim 8 has been incorporated therein. Accordingly, device Claim 24 corresponds to rewritten method Claim 8, and therefore Claim 24 is believed to be in condition for allowance as well.

In addition, Claim 25 has been rewritten in independent form and the subject matter of allowable Claim 10 has been incorporated therein. Accordingly, device

Claim 25 corresponds to rewritten method Claim 10, and therefore Claim 25 is believed to be in condition for allowance as well.

Claims 10 and 19 were objected to at paragraph 3 of the Office Action for containing informalities, and these claims have been corrected herein. Accordingly, withdrawal of the objection to Claims 10 and 19 is respectfully requested.

Claims 1, 2, 3, 19, and 20 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,775,412 (*Nister*); and Claims 3-5, 7, 9, 11, 12, 14-18, 20, 22-32, and 34-41, as being anticipated by U.S. Patent No. 6,249,614 B1 (*Kolesnik*). Claims 33 was rejected under 35 U.S.C. §103(a) as being obvious from *Nister* in view of U.S. Patent 6,381,280 (*Lynch*).

First, cancellation of Claims 3, 5, 7, 9, 11, 12, 14, 15, 22, 23, and 26-29 renders the rejections of those claims moot.

Second, Applicant notes that a telephonic interview between the Examiner and the undersigned attorney was conducted on October 4, 2007. During that interview, the Examiner agreed that if independent Claim 1 were amended to recite that the deciding step was performed by a circuit at the decoding side, the Examiner would remove *Nister* as prior art against Claims 1, 2, 3, 19, and 20. Claim 1 has been so amended. It is noted that independent Claim 19 has also been clarified to recite that the means for deciding is present at the decoding side.

Applicant will now discuss in more detail the substance of what was agreed to during the above-noted telephonic interview.

Claim 1 as amended is directed to a method of processing a coded digital signal including a set of samples of different types obtained by coding a set of original samples representing physical quantities, and including a set of information representing original samples and parameters used during the coding. The method includes determining a subset of samples corresponding to a selected part of the original digital signal using the set of information, and obtaining a number of samples of at least one predetermined type and which are contained in the determined subset of samples. The method further includes deciding, by a circuit at the decoding side, whether or not to modify the determined subset of samples before restoring the selected part of the original signal, the decision being made according to the obtained number of samples of the at least one predetermined type and according to a required level of quality.

Among other notable features of Claim 1 is deciding, by a circuit at the decoding side, whether or not to modify the determined subset of samples before restoring the selected part of the original signal, the decision being made according to the obtained number of samples of the at least one predetermined type and according to a required level of quality. See the present application, e.g., in Fig. 2 and from page 11, line 30, to page 12, line 1.

Nister, as understood by Applicant, relates to lossless image coding (in particular for medical images) and the quality involved for encoding the defined region of interest is thus necessarily maximal. Accordingly, as the Examiner agreed during the telephonic interview, nothing in *Nister* would teach or suggest the deciding step of Claim 1.

In the Office Action at page 7, the Examiner considered the definition of the size and shape of a region of interest by the user on the receiver side, in *Nister*, to anticipate the deciding step of Claim 1.

The Office Action conceded, however, that “a distinction appears to exist between *Nister* and the instant application” since the decision in the method of Claim 1 is automatic rather than made by a user as in a *Nister*. (See the sentence bridging pages 7 and 8 of the Office Action.)

Applicant submits, and the Examiner agreed during the telephonic interview, that nothing in *Nister* would teach or suggest deciding, by a circuit at the decoding side, whether or not to modify the determined subset of samples before restoring the selected part of the original signal, the decision being made according to the obtained number of samples of the at least one predetermined type and according to a required level of quality, as recited in Claim 1.

It is noted that *Nister* teaches away from the automatic decision of Claim 1 which is based notably on an obtained number of samples and on a required level of quality, as *Nister* always seeks a maximal level of quality as pointed out above (“lossless image coding”) and consequently would not require such an automatic decision.

Accordingly, Applicant submits, and the Examiner agreed during the telephonic interview, that Claim 1 is patentable over *Nister*.

Independent Claim 19 recites features which are similar in many relevant respects to those discussed above in connection with Claim 1. Accordingly, Claim 19 is believed to be patentable over *Nister* for at least the reasons discussed above.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ra DiPerna', written over a horizontal line.

Raymond A. DiPerna
Attorney for Applicant
Registration No. 44,063

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
#1643769 v1